IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 17197 of 2004

Between:

K.Gangadhara Rao, S/o.K.Gopalakrishna, aged about 48 years,
working as Telecom Technical Assistant, at FRS Section,

Office of the Sub-Divisional Engineer (OCB & FRS),
Saroornagar, Hyderabad.

..... PETITIONER

AND

1. The Chief General Manager, A.P.Telecom BSNL,

Door Sanchar Bhavan, Nampally Station Road, Abids,

Hyderabad.
2. The Principal General Manager, Hyderabad Telecom District,

Suryalok Complex, Gunfoundry, Hyderabad.
3. The General Manager (South), Hyderabad Telecom District,

Malakpet, Hyderabad.
4. The Area Manager (Saroornagar), Hyderabad Telecom District,

Saroornagar, Hyderabad.
5. The Deputy General Manager, Regional Telecom Training

Centre, Gachhibowli, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, direction or order, more particularly one in the nature of writ of Mandamus, directing the Respondents to permit the petitioner to undergo JTO

Induction Training Phase I commencing from 27.09.2004 as per letter dated 08.09.2004 of the 1st respondent along with others, without relevancy to the currency of the minor penalty imposed on the petitioner, duly setting aside the condition stipulated in the order dated 08.09.2004 with regards to the currency of minor penalty punishment imposed on the petitioner, with all the consequential benefits.

Counsel for the Petitioner: MR.SANKA RAMAKRISHANA RAO

Counsel for the Respondent Nos.1 to 5: MR. B.NARASIMHA SARMA, Standing Counsel for B.S.N.L .

The Court at the stage of admission made the following :

THE HONOURABLE DR. JUSTICE G.YETHIRAJULU

Writ Petition No.17197 of 2004

ORDER:

The petitioner is working as a Telecom Technical Assistant in the respondent-Organisation. He joined the Department on 21.06.1982 as a regular Mazdoor. He was promoted as a Technician with effect from 20.02.1990. He was promoted as Telecom Technical Assistant with effect from 04.07.1997. In pursuance of a notification issued by the Department for in-service candidates for a screening test for promotion to the post of Junior Telecom Officer, he applied for the same and appeared for the qualifying examination held on 06.05.2000. He got qualified in the test as per communication of the first respondent on 07.09.2000. He is waiting for the Junior Telecom Officer Induction Training as prescribed under the rules. The fourth respondent issued Memo No.TA/STB/101-2/2/Scrg/Adhoc/04-05/25 on 08.09.2004 proposing to conduct the Junior Telecom Officer Induction Training in batches, notifying the list of candidates to be trained. In the said proceedings, it is specifically mentioned as follows:

> "…Before relieving the officials, it may be ensured that there is no vigilance/Disciplinary case pending or contemplated against the officials and that no punishment like stoppage of increment etc., is current."

The petitioner by contending that as per Rule 13 of the Departmental Promotion and Seniority Rules, punishment is no bar in assessing suitability for promotion, therefore, the currency of the post of stoppage of increments is no bar for the

petitioner to undergo the induction training to get himself ready for appointment as Junior Telecom Officer, therefore, he approached this Court seeking direction to the respondents to permit him to undergo Junior Telecom Officer Induction Training Course commencing from 27.09.2004.

2. It is an undisputed fact that the punishment of stoppage of increments for three years imposed on the petitioner is in currency as on today. There is no specific instruction in the letter dated 08.09.2004 issued by the first respondent that the candidates, who are undergoing the punishment of stoppage of increments are not relieved for the purpose of training and if there is any such candidate, the same shall be intimated to his office immediately.

3. In the light of the specific instruction given by the first respondent imposing a bar on the candidates, whose punishment of stoppage of increments is in current, it cannot be said that the pendency of the punishment is no bar to undergo the training. The instructions given by the first respondent is not against the rules of seniority and promotion policy of the Telecom Department since the training is also part of the process of the promotion. The first respondent was right in imposing the said restriction and cannot be said to be bad in the eye of law. In the light of the above circumstances, the petitioner is not entitled to seek any direction as prayed for. If the petitioner is exonerated from punishment by the Revisional Authority, the respondents shall consider the case of the petitioner for training and other benefits as per rules.

4. The writ petition is accordingly disposed of. No costs.

_____

Dr.G.YETHIRAJULU, J

Dated: 23rd September, 2004.

Cs

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Chief General Manager, A.P.Telecom BSNL,

Door Sanchar Bhavan, Nampally Station Road, Abids,

Hyderabad.
2. The Principal General Manager, Hyderabad Telecom District,

Suryalok Complex, Gunfoundry, Hyderabad.
3. The General Manager (South), Hyderabad Telecom District,

Malakpet, Hyderabad.
4. The Area Manager (Saroornagar), Hyderabad Telecom District,

Saroornagar, Hyderabad.
5. The Deputy General Manager, Regional Telecom Training

Centre, Gachhibowli, Hyderabad.

6. Two C.D. copies.